

**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE MEETING**

State Personnel Building
Leo Griego Auditorium
2600 Cerrillos Road
Santa Fe, NM 87505

October 22, 2009 Minutes

The meeting of the Storage Tank Committee was called to order by Mr. Jim Norton, Chair, at 10:25 a.m.

Members Present:

Jim Norton, Chair
Ryan Briggs, STC Member
Paul Aguilar, STC Member
Ruben Baca, STC Member
Ronnie Pynes, STC Member

Others:

Jim Davis, NMED/PSTB
Lorena Goerger, NMED/PSTB
Joyce Shearer, NMED/PSTB
Kalvin Martin, NMED/PSTB
Leann Chavez, NMED/PSTB
Jennifer Pruett, NMED/PSTB

Members Absent:

Joseph Chavarria, STC Member

Susan von Gonten, NMED/PSTB
Suzan Arfman, NMED/PSTB
Stephen G. Reuter, NMED/PSTB
John Kovacs, NMED/PSTB
George Beaumont, NMED/PSTB
John Casey, Basin Engineering
Bill Brown, Brown Environmental
Liz Brown, Brown Environmental
Jonas Armenta, Western Refining Wholesale
Jenice Gallegos, AMEC
Eileen Shannen, Kleinfelder
Joe Galemore, INTERA

Item #1 ROLL CALL

Roll call was taken and it was determined a quorum was present.

Item #2 APPROVAL OF THE AGENDA

The agenda was changed to add Suzan Arfman in item #9 for her presentation on Risk Assessment of Underground Storage Tanks. The change was noted. Mr. Briggs moved, to adopt the agenda as amended and seconded by Mr. Aguilar. The agenda as amended passed unanimously.

Item #3 APPROVAL OF AUGUST 25, 2009 MINUTES

The Chair called for a motion regarding the August 25, 2009, meeting minutes.

Mr. Pynes moved, seconded by Mr. Briggs, to approve the minutes of August 25, 2009. Motion passed unanimously.

Item #4 CORRECTIVE ACTION FUND UPDATE

Mr. Jim Davis gave the report for Ms. Marlene Cordova. Mr. Davis took the Committee Members through the months of August and September.

August 2009

Beginning Cash	\$ 14,451,620	Reserve	\$ 1,000,000
Loading Fee	1,561,207	Work plan liabilities	9,587,742
Payment	(1,282,028)	Un-obligated	3,392,798
Operating Transfer	(750,258)		
Ending Cash	\$ 13,980,540		

Mr. Davis reminded the Committee that the Department occasionally makes two Operating Transfers in one month and this is one of those times. This resulted in September with an unobligated balance of \$1,500,517.00. He also noted this happened twice last fiscal year.

Mr. Davis stated that this resulted in an Un-obligated balance for September that was \$750,000 lower than it would have normally been and that was because of two operating transfers taken out in the month of September. Mr. Davis stated that in the October spreadsheets that will be presented to the Committee in the next meeting the amount of the Loading fee will be \$1,589,766.00. He stated that the Loading Fee was stable from one month to the next.

September 2009

Beginning Cash	\$ 13,980,540	Reserve	\$ 1,000,000
Loading Fee	\$ 1,636,801	Work plan liabilities	10,558,387
Payment	(1,026,273)	Un-obligated	1,532,164
Operating Transfer	(1,500,517)		
Ending Cash	\$ 13,090,551		

Mr. Norton just wanted to clarify with Mr. Davis that the Operating fee was for both September and October, and in October we will see zero because they already took it in September, correct?

Mr. Davis stated that was correct.

(The entire monthly report available at www.nmenv.state.nm.us/pstc)

Item # 5 REMEDIAL ACTION SITES UPDATE

Ms. Joyce Shearer, Remedial Action Program Manager, reported that *August* numbers included an MSA for a new site as well as some additional monitoring of other sites for Responsible Party (RP) sites. For State Lead (SL) remediation, activities included operation and maintenance at Cibola Chevron in Grants. She also added that monies were also approved for remediation activities at the Indian Hills site. Ms. Shearer reported that RP monies for *September* include costs to operate and maintain a remediation system at the Laguna Mart Site as well as seven MSA's either for new releases or for old sites that have been reactivated. SL numbers include monies for operation and maintenance of the Maverick Country Store, another part of the Grants Triple Site, and for installation cost for Mikes Auto Detail in Belen.

Below are the workplan approvals reported by month:

August 2009

<u>Responsible Party</u>	<u>State Lead</u>
12 \$ 162,502.95	3 \$ 677,959.51
<u>Addendums</u>	<u>Addendums</u>
6 \$ 34.92	8 \$ 196.48
Total \$ 162,537.87	Total \$ 678,155.99
GRAND TOTAL \$ 840,693.86	

September 2009

<u>Responsible Party</u>	<u>State Lead</u>
24 \$ 892,321.63	10 \$1,152,606.21
<u>Addendums</u>	<u>Addendums</u>
1 \$ 1.67	9 \$ 125.79
Total \$ 391,471.46	Total \$ 1,152,732.00
GRAND TOTAL \$1,544,203.46	

Mr. Norton asked if the Committee could have an update presentation on the Grants Triple Site at the next meeting.

Mr. Pynes asked for an update on the Burrows Site as well at the next meeting.

Mr. Davis updated the Committee on the Santa Fe County Courthouse Site. He reported that the proposed location for the Santa Fe County Courthouse Site in downtown Santa Fe is on Montezuma Avenue and Sandoval Street which then goes up east on Montezuma to Cerrillos, making the boundaries of the Site. He reported this Site is contaminated with a significant amount of gasoline. Two LUST Sites were adjacent to this Site that the Bureau had been working on for several years. When the County began construction they ran into significant contamination. The Bureau has been working with the County for the last seven months.

On September 3, 2009 the Governor directed the Environment Department to take the Site over as a State Lead Site to combine the remediation efforts of the known LUST Sites with the newly discovered contamination on the Courthouse property. The Bureau has been moving very quickly since then in response to this directive by the Governor. An expedited procurement was done, the Bureau published an RFP, and Daniel B. Stephens & Associates was selected as the contractor. Soil vapor extraction will be utilized for the remediation system; the County will excavate the contaminated soil within the footprint of the construction area. The Bureau's plan is to use both horizontal and vertical extraction wells. The Bureau is using a very aggressive schedule due to construction schedules by the Counties contractors. Mr. Davis stated this will be an expensive cleanup.

At this point in the meeting Mr. Ronnie Pynes wanted to make it known for the record that he opposed the Governors directive on this Site. He did not feel the Governor should use his authority to over ride any site for cleanup priority.

Ms. Shearer stated that the Committee requested a list of leak sites based on priority at the last meeting. These were provided in the Committee packets as well as the Public Handouts. She stated the Bureau has 22 first priority sites around 200 second priority sites and over 600 third priority sites. First Priority Sites are sites where there is an imminent or actual threat to drinking water or the presence of explosive vapors (for example, vapors in a building' gasoline in a supply well, gasoline floating on surface water or a likely impact from one of these threats in the near future). Second Priority Sites are sites with contaminant-saturated soils or non-aqueous phase liquid. Third Priority is everything else. This list will change as sites conditions change.

Mr. Baca wanted to know how many sites are under active remediation. Ms. Shearer stated that about 40 have aggressive remediation systems operating. Mr. Davis stated that the Bureau has about 300 active workplans. Mr. Baca wanted to know what the Bureau was doing with the rest of the sites. Ms. Shearer stated that some of them are being monitoring, some are undergoing investigation and for sites ready for No Further Action status, the Bureau has approved proper plugging and abandonment of wells. She also stated the Bureau does not approve quarterly monitoring unless they represent an immediate risk or are close to NFA.

Mr. Baca wanted an update on the Property Reuse program. Mr. Steve Reuter answered that the Bureau has developed a process to evaluate a site and, if it fits the requirements, the Bureau will issue a Property Reuse Certificate. Mr. Reuter stated the Bureau is ready to accept sites now but no applications have been submitted as of yet. Mr. Baca stated that at his next board meeting he would like the Bureau to give a presentation on the program.

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Kalvin Martin, Prevention Inspection Program Manager, updated the Committee stating that the program did participate in the Petroleum Marketers Trade Show. He stated that the program has reported compliance inspection results to the Environmental Protection Agency for semi annual reports. The program has reported more than 500 compliance inspections of underground storage tanks, reporting period is April 1st thru September 30th. 60% of these facilities are in compliance with release detection and release prevention measures. Mr. Martin stated this is the measure the program will use for retraining requirements for certified operators for the next couple of years. He stated that in house inspector training is continuing on an annual basis as inspectors perform group inspections to maintain consistency with compliance inspections.

Mr. Martin continued to say that the program has recently preformed inspections with Christy Cherrett from the Environmental Protection Agency. She along with our inspectors are inspecting emergency tanks for emergency generator use. This is being done due to the fact that the Program does not have statutory or regulatory authority for these types of tanks, these are mostly hospitals, prisons and hotels. He stated the program has inspected about half of these facilities and they have about 20 left to inspect. Inspections will startup again the first week in November.

Item # 7 REGULATION PROCESS UPDATE

Ms. Jennifer Pruett, Tank Fee Manager, reported that they will approach the 2010 Legislature with their bill again this year. She is scheduled to meet with the interim committee on November 13, 2009 to review the legislation which will be exactly the same bill as last year.

The Bureau needs to pass this legislation this year to preserve their Federal Fund. Mr. Davis stated that the Bureau was told by EPA that if the Bureau was not successful getting this Bill threw the 2010 Session that their Federal Grants will be cut. The Chair stated that he was confident the Bill will get passed this time. Ms. Pruett continued with operator training, she stated notices about the new rules were sent to owners/operators as part of the annual invoicing process. The program has received three applications so far and one is very close to being approved. She stated she thought this might happen by the end of the month. Mr. Baca stated that he was working on getting trainings set up in New Mexico in January. Discussion continued about training materials for operators.

Ms. Pruett continued with Tank Fee and Invoicing; she reported that 92 second round invoices were sent out in September to owners delinquent only to this year FY2010; she stated that this was higher then in previous years FY07- 87, FY08- 57, FY09- where 54 were sent out. She stated that the drop in the economy has put people in certain situations resulting in more failing to pay their tank fees this year. She stated as of today the program has collected 24% of that, found a 1% error rate, and has 75% left to collect. This is just the result of these second round invoices. She also reported that the Tank Fee Collection program had completed 290 cases most of which have resulted in closing of tanks and owner accounts still with 14% collectable 86% uncollectable rate. She stated with respect to the installer certification program they have extended the deadline from September 2008 to September 2009, the extension allowed renewing installers to have the benefit of the new regulations effective June 15th that only require ICC testing and certification for first time installers. She added that 34 installers have completed the renewal process, and 3 installers have complete applications and just need to take and pass the New Mexico Laws and Rules Test in order to work in the state.

Item # 8 OTHER BUSINESS

Suzan Arfman, Applications Developer, presented a Power Point presentation on Risk Assessment using the GISST tool to the Committee. A hard copy of the presentation is available at www.nmenv.state.nm.us/pstc

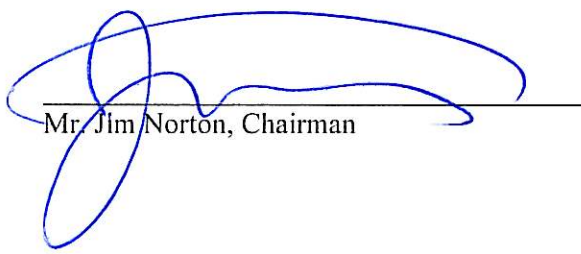
Item # 9 NEXT MEETING

The next meeting will be held on January 7, 2010 at 10:00 a.m.

Item #10 ADJOURNMENT

Mr. Pynes moved to adjourn the Meeting. Mr. Baca seconded. The motion passed unanimously.

The meeting adjourned at approximately 12:07 p.m.



Mr. Jim Norton, Chairman

Minutes prepared by: Trina Page